

REMARKS

I. Summary of the Office Action and this Reply

Claims 1-31 are pending. The Examiner has rejected claims 1-31 under 35 U.S.C. §103(a), asserting that such claims are obvious over U.S. Patent No. 7,149,713 to Bove et al. ("Bove") in view of U.S. Patent No. 7,016,870 to Jones et al. ("Jones").

II. Response to 103 Rejections

A section 103 rejection is proper if all claim limitations are taught or suggested by the cited art. MPEP §2143.

Claims 1, 2, 4-9, 13 and 15

Independent claim 1 is directed to a computer-implemented method of rebalancing a portfolio of assets to achieve optimality. Claim 1 recites:

transmitting to a customer an alert message for alerting an imbalance status of a customer's portfolio, and a list comprising at least one recommended rebalancing transaction.

As the basis for rejecting claim 1, the Action states that this is disclosed by Jones, stating "Jones teaches a plan monitoring model that transmits alerts – col. 27, lines 50-55." This section of Jones states:

[w]hen one or more new financial products become available to the user, the user may be alerted by the plan monitoring module 350 if, for example, a higher expected return may be possible at lower risk as a result of diversifying the current portfolio to include one or more of the newly available financial products. Jones, col. 27, lines 50-55.

While Applicants agree that Jones discloses alerting the uses in some manner, Applicants traverse that Jones teaches or suggests the claimed transmission of "an alert

message . . . and a list comprising at least one recommended rebalancing transaction."

It is entirely consistent with the disclosure of Jones that Jones' alert may simply provide notice of availability of a new financial product, or arguably of a need for rebalancing of a portfolio. For example, such an alert in Jones may be "ALERT – shares of new financial product XYZ Mutual Fund are now available for purchase." However, there is no teaching or suggestion in Jones (or Bove) of transmission of a list identifying a recommended rebalancing transaction, e.g. a specific recommended transaction such as "sell 500 shares of your Exxon stock."

Additionally, claim 1 recites "each recommended rebalancing transaction comprising asset information identifying a specific asset, quantity information identifying a specific number of units of the specific asset, and transaction information comprising one of a buy instruction and a sell instruction." Accordingly, claim 1 requires that specific parameters of each recommended rebalancing transaction are identified in the alert message sent to the customer. Accordingly, each recommended rebalancing transaction and the necessary trading parameters are identified with specificity by the system - e.g., SELL, 500 shares, EXXON stock, and viewable by the customer within the alert message, which permits the customer to provide a single mouse click or other response to rebalance his portfolio by having the listed transactions executed.

Applicants respectfully submit that the rejection is based upon information gleaned from applicant's disclosure, namely, information relating to inclusion of a list of one or more specific recommended rebalancing transactions that may be accepted and initiated by a single response, such as a mouse click. Neither Bove nor Jones, alone or

in combination, teaches or suggests “transmitting to a customer . . . a list comprising at least one recommended rebalancing transaction.”

For at least these reasons, reconsideration and withdrawal of the rejection of claim 1 are requested respectfully.

Claim 2

Claim 2 depends from claim 1 and is likewise patentable. Claim 2 further recites that the transmitting of the alert message “is performed via a first customer-defined communications method.” In other words, the customer selects/specifies a communications method. The Examiner acknowledges that this is not disclosed by Bove, but asserts that this is disclosed by Jones. Applicants respectfully disagree. While Jones discloses that an “alert may be displayed during a subsequent user session with the financial advisory system 100 and/or the alerts may be transmitted immediately to the user by telephone, fax, email, pager, fax, or similar messaging system” (col. 28, lines 30-38), Jones does not disclose that the particular method used to contact a customer is defined by that customer; in other words, the method used in Jones may be defined by the system, on a per-system basis, for all users. This is not what is claimed.

For this additional reason, reconsideration and withdrawal of the rejection of claim 2 are requested respectfully.

Claim 3

Claim 3 depends from claim 1 and is likewise patentable. Claim 3 further recites "automatically retransmitting the alert message . . . to the customer via a second customer-defined communications method if the step of transmitting via the first communications method was not successfully executed." The cited art lacks any teaching of automatically retransmitting an alert message to the customer via a secondary method if the step of transmitting via the first communications method was not successfully executed. In rejecting claim 3 over Jones, the Action states, at page 4:

Jones teaches that the alert may be displayed during a subsequent user session – col. 28, lines 30-38. This section of Jones states:

In addition, the system may recommend a reallocation to improve efficiency of the portfolio. An alert may be generated to notify the user of the advise and/or need for affirmative action on his/her part. As described above, the alert may be displayed during a subsequent user session with the financial advisory system 100 and/or the alerts may be transmitted immediately to the user by telephone, fax, email pager, fax, or similar messaging system (emphasis added). Col. 28, lines 29-37.

It is entirely consistent with this disclosure of Jones that the system's recommendation/alert may be "AFFIRMATIVE ACTION REQUIRED – REALLOCATION RECOMMENDED TO IMPROVE EFFICIENCY OF YOUR PORTFOLIO." This alert may be displayed during a user session with the system after the alert condition occurs. The alert may also, or instead, be transmitted to the user in a variety of manners. In any event, this is not a teaching of suggestion of transmitting the claimed alert message by a first customer defined communications method (e.g., by telephone), and then automatically retransmitting the alert message by a second customer defined communications method (e.g., by e-mail) if the step of transmitting via the first

communications method was not successfully executed. This use of a second communication method if the first communication method is unsuccessful helps ensure that the user receives the alert in a timely manner. Jones merely disclosed that a single alert may be sent by any one of several different alternative methods.

Applicants respectfully submit that the rejection is based upon information gleaned from applicant's disclosure, namely, transmission and automatic retransmission of an alert message by first and second customer defined communications methods, which may be different. Neither Bove nor Jones, alone or in combination, teaches or suggests these claim recitations.

For at least these reasons, reconsideration and withdrawal of the rejection of claim 3 are requested respectfully.

Claim 4

Claim 4 depends from claim 1 and is likewise patentable. Claim 4 recites that the customer's response constitutes performing a single action by the customer. This is not analogous to use of the Auto Rebal button, as discussed above. Further, claim 4, when read in conjunction with claim 1, relates to "receiving from the customer a single response to the transmitted alert message; and automatically implementing the list comprising at least one recommended rebalancing transaction based on the received customer's response to cause execution of each recommended rebalancing transaction." This is simply neither taught nor suggested by Bove and/or Jones; neither Bove nor Jones teaches transmission of an alert message and execution of transactions listed in an alert message based on the customer's response to the alert message.

For this additional reason, reconsideration and withdrawal of the rejection of claim 4 are requested respectfully.

Claims 5-9, 12, 13 and 15

Claims 5-9, 12, 13 and 15 depend from claim 1 and are likewise patentable for the reasons set forth above for claim 1.

Claim 10

Claim 10 depends from claim 1 and is likewise patentable. Additionally, claim 10 recites that the customer's response that results in automatic implementation of the list of rebalancing transactions is "contained in a return e-mail from the customer, wherein the return e-mail includes a transaction number identifying the list of recommended rebalancing transactions." This is neither taught nor suggested by the cited art. The Action's reliance on Jones' teaching that the alert transmitted by the system may be displayed using telephone, fax, email, pager, fax or similar messaging system (see page 4 of the Advisory Action) is inapposite.

For this additional reason, reconsideration and withdrawal of the rejection of claim 10 are requested respectfully.

Claim 11

Claim 11 depends from claim 1 and is likewise patentable. Additionally, claim 11 recites that the customer's response is received on paper and includes an optical code for retrieving the list of recommended rebalancing transactions. Jones is devoid of any disclosure involving such an optical code. This is neither taught nor suggested by the

cited art. The Action's reliance on Jones' teaching that the alert transmitted by the system may be displayed using telephone, fax, email, pager, fax or similar messaging system (see page 4 of the Advisory Action) is inapposite.

For this additional reason, reconsideration and withdrawal of the rejection of claim 11 are requested respectfully.

Claims 16-28

Independent claim 16 recites a second unit for transmitting the alert message and the list of a plurality of recommended rebalancing transactions to the customer, receiving a single response of the customer to the transmitted alert message, and automatically implementing the list of multiple transactions based on the received customer's response. Thus claim 16 is patentable for reasons similar to those set forth above for claim 1.

Claims 17 and 18 depend from claim 16 and are likewise patentable. Claim 18 is further patentable for reasons similar to those set forth above for claim 3.

Claims 19, 20 and 21, 22, 23, 24 and 25 are patentable for reasons similar to those set forth above for claims 4, 5, 6, 9, 10, 11 and 12, respectively.

Claims 26, 27 and 28 are patent for reasons similar to those set forth above for claims 13, 14 and 15.

Reconsideration and withdrawal of the rejection of claims 16-28 are requested respectfully.

Claims 29-31

Independent claim 29 includes recitations similar to those of claim 1, particularly with respect to the single response and automatic performance of predetermined transactions in response to the single response, and is likewise patentable.

Claim 30 further includes transmitting a list of predetermined transactions to the user, and thus is patentable for reasons similar to those set forth for claim 1.

Claim 31 depends from claim 29 and is likewise patentable.

Reconsideration and withdrawal of the rejection of claims 29-31 are requested respectfully.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe claims 1-31 to be patentable and the application in condition for allowance, and request respectfully issuance of a Notice of Allowance. If any issues remain, the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,

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